



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,604	03/15/2002	Joseph C. Trautman	ARC 3116 R1	4960

22921 7590 05/04/2004

ALZA CORPORATION
P O BOX 7210
INTELLECTUAL PROPERTY DEPARTMENT
MOUNTAIN VIEW, CA 940397210

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
----------	--------------

1734

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10099,604

Applicant(s)

Trautman et al

Examiner

L Amig

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1/15/2004
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-32 is/are pending in the application.
- Of the above claim(s) 14-32 is/are withdrawn from consideration.
- ☒ Claim(s) 4-6 is/are allowed.
- ☒ Claim(s) 1-3 and 7-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3/15/2002 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

In the restriction requirement mailed 1/15/2004, the examiner sets forth this application contains claims directed to the following patentably distinct species of the claimed invention: a liquid holding surface is the outer surface of a rotatable cylindrically shaped roller or the liquid holding surface is immobile.

Applicant has elected in paper filed 2/12/2004 a rotatable member which is not one of the elected species. However, in order to advance prosecution, the examiner assumed that applicant has elected species which is drawn to the outer surface of a rotatable cylindrically shaped roller especially in view of amendments to claims 4-6 set forth in paper filed 2/12/2004.

Applicant's election of Group I, species drawn to a rotatable cylindrically shaped roller in Paper No. filed 2/12/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-3 and 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed specification fails to teach or suggest a liquid holding surface which is a rotatable member having a liquid holding surface which broadly reads on a liquid holding surface other than a rotatable roller or a rotatable cylindrically shaped roller such as a rotatable block of brushes or a rotatable block of sponge in a form other than a roller. Boockman is cited as a example to show a

Art Unit: 1734

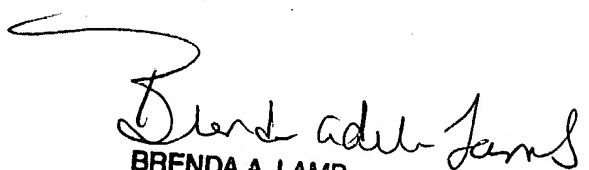
liquid holding surface which is a rotatable member having a liquid holding surface other than a rotatable roller or a rotatable cylindrically shaped roller such as rotatable metering head.

Claims 4-6 are allowed.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number 571-272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

Lamb/tgd

April 13, 2004



BREND A. LAMB
PRIMARY EXAMINER